IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 13127 of 2004

Between:

Singireddi Siva Prasada Rao S/o Seethayya, age:43 yrs,
Dimili Village, Rambilli Mandal, Visakhapatnam District

... PETITIONER

AND

1. The Commissioner of Endowments Tilak Road, AP.

Hyderabad
2 The Assistant Commissioner of Endowements

Visakhapatnam
3 The Executive Officer, Sri Nagneswara Swami Vari

Temple, Dimili, rambilli Mandal, Visakhapatnam District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ in the nature of Mandamus directing the 2nd respondent (The Assistant Commissioner of Endowments, Visakhapatnam) to dispose of the Application filed by the petitioner in RC.No.3/2330/2004, dt. 18/06/2004, filed under Rule 3 of the AP. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Land Rules, 2003 which is pending disposal before him.

Counsel for the Petitioner: MR.M.S.R.SUBRAHMANYAM

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following :

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O R D E R:

The petitioner states that his father late Seethayya was the cultivating tenant in respect of Acs.3-82 cents of land in Sy.No.162 of Dimili village of Rambilli Mandal, Visakhapatnam District. It is stated that after the death of his father, he has been continuing in possession of the said land and continuing as a tenant. He also states that in terms of the rules framed in G.O.Ms.No.379, Revenue (Endowments I), dated 11.03.2003, he made a representation before the second respondent making a claim that he is a landless poor person, and therefore, entitled to the benefits of Section 82 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"). It is the specific case of the petitioner that the proceedings before the second respondent are still pending, and that as per the notice issued by the second respondent-Assistant Commissioner of Endowments on 18.06.2004, he also appeared before the authority on 23.06.2004 and participated in the enquiry. The grievance of the petitioner is that while the proceedings are still pending before the Assistant Commissioner of Endowments, the third respondent temple is proposing to auction the leasehold rights of the lands in question. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the third respondent temple. Having regard to the specific case of the petitioner that the proceedings before the Assistant Commissioner of Endowments with regard to his claim that he is a landless poor person are pending, I am of the view that the third respondent ought not to have conducted any auction in respect of the leasehold rights of the lands in question.

Accordingly, the writ petition is disposed of, with a direction to the Assistant Commissioner of Endowments, Visakhapatnam, the second respondent herein, to complete the enquiry and to pass appropriate orders on the representation of the petitioner, as expeditiously as possible, preferably within a period of two weeks from

the date of receipt of a copy of this order. Till such orders are passed, status quo obtaining as on today, as to the nature and possession of the land in question, shall be maintained.

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2nd August, 2004.

Note:

Issue copy in two days.

B/o.

pan/mdaa

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Endowments,

Tilak Road, Andhra Pradesh, Hyderabad.

2) The Assistant Commissioner of Endowements,

Visakhapatnam.

3) The Executive Officer,

Sri Nagneswara Swami Vari Temple, Dimili,

Rambilli Mandal, Visakhapatnam District.

4. Two Copies to the Govt. Pleader for Endowments,

High Court buildings, Hyderabad.(OUT)

5) Two C.D. copies